

UNITED STATES Western District of
Michigan

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CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: *[Signature]* 11/3/2020

United States

V

COREY CRIBBS

Defendant

Motion to Reduce
Sentence
pursuant to

18. USC. § 3582(c)(1)(A)(i)

CASE NO. 1:18-CR-00060-1

Judge Gordon quest

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Introduction

Defendant Corey CRIEBS threw self Representation Respectfully moves this Court for an order Reducing his Sentence Based on the Extraordinary and Compelling Reasons Discussed Below pursuant to the Recently amended 18 USC § 3582(c)(1)(A)(i). I also Request Oral Argument on this motion.

I, CRIEBS was sentenced in 2019 to A 25year term of Imprisonment following my Conviction for Involvement in A Drug Conspiracy. I CRIEBS was sentenced when I was 26years of Age and now has served 2yrs of that Sentence my projected out DATE of June 23, 2039 is 2 Decades away. At my Sentencing in 2019 my lawyer voiced disagreement with the guidelines and mandatory Sentence it was Required to Impose. My Defense Counsel Stated " IF my Client is going to get life or 30 years we will TAKE OUR chances at trial, " your honor Judge ~~Quist~~ Stated that those are only advisory Guidelines "that doesn't mean you will Get LIFE OR 30years So I CRIEBS and my Defense team agreed to Dismiss the motion to withdrawl my plea and proceed with Sentencing and was sentenced to 300 months. I CRIEBS feel that my Sentence was OFFENSIVE and UNJUST and Expresses Distaste with the Sentence that was Imposed. On September 21st, 2020 I Submitted A written Request to the warden of Big Sandy asking that ~~He~~ move this Court for a Reduction of I MR. CRIEBS Sentence under 18. U.S.C.(c)(1)(A)(i)

As the DATE of this filing the warden has not filed a motion with this Court on I MR. CRIBBS behalf.

Thanks to the Amendment to § 3582(C)(1)(A)(i) that were enacted as part of the First Step Act, the Court is now Empowered to bring a measure of Justice to I MR. CRIBBS's sentence and I Ask the Court to do just that for the Reason set forth below.

Factual Background

In March of 2018 I CRIBBS Engaged in A Drug Conspiracy across ARIZONA to Michigan along with several Co-defendants and was charged with Conspiracy and Travel Aid Racketeering the government offered me a plea Deal of A mandatory 20 years and I Accepted the plea. In December of 2018 the 1st Step Act went into Effect and my prior Drug felonies could no longer be used in my Case so the mandatory Sentence of 20 years was dropped by law to a mandatory 10 year, But my Guidelines never changed & the prior Drug Case's was used to calculate my Guidelines and I was Convicted and sentenced to 300 months.

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ONE Co-Conspirator Jalen Moore Cooperated with the government and made false Statement in exchange for lighter Sentence and then Skipped bond to Avoid Arrest to Avoid to testify. As for I MR. CRIBBS was Sentenced to 25 years I CRIBBS Entire Sentence is due solely to leadership Role and the amount of drugs and THE prior Drug Conviction

that was not supposed to be used to determine my sentence. I CRIBBS's co defendants who pled Guilty after Engaging in similar Conduct Fared Far Better. ALSO SEE Sentencing memorandum for CRIBBS "FOOT NOTES" 5 point Reduction

On September 21, 2020 I CRIBBS Submitted a Written Request to the warden of Bsq Sandy asking that he move this Court for A Reduction of CRIBBS Sentence under 18 USC § 3582(c)(1)(A)(i) AS OF DATE of this Filing over 30 days from the time I submitted Request from the warden. the warden has not Filed a motion with the Court on my Behalf.

the Relief Requested is with both the text of the statute and the Comissions Policy Statement.

Congress did not limit Extraordinary and Compelling reasons to a specific Enumerated set of Circumstances. Congress did not define what would constitute an Extraordinary and Compelling Reason warranting a Reduction of a Sentence under 18 U.S.C. 3582(c)

Indeed the legislative history confirms that it intended to grant federal Sentencing Courts broad discretion to make those determinations on A CASE BY CASE Basis. and to Reduce Fundamentally UNFair Sentences where such Reason Exist. Congress Initial goal in passing the Comprehensive Crime Control Act was to Abolish federal and Create a Completely ~~Restructured~~ Guidelines Sentencing System. S. Rep. NO. 7

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98-225 At 52, 53. N.47 (1983) but with the elimination of parole as a corrective measure in cases where early release is warranted, Congress recognized the need for an Alternative Review process. It therefore allowed for Judicial Reduction of certain sentences under § 3582(c) the Committee believes that there may be unusual cases in which other extraordinary and compelling circumstances justify a reduction of an unusually long sentence and some cases in which the guidelines for the offense of which the defendant was convicted have been later amended to provide a shorter term of imprisonment.

DISCUSSION

the court now has the authority to reduce I MR. CRIEBS sentence based on the extraordinary and compelling circumstances presented here. First it has the jurisdiction to hear this motion because more than 30 days has elapsed since I MR. CRIEBS submitted a request to the warden and the Director of the BOP has not filed a motion with this court second the changes to the 18. U.S.C. § 3582(c)(1)(A)(i) made by the First Step Act has finally vested the court with the authority to decide when extraordinary and compelling circumstances warrant a sentence reduction third, as this court is already aware the circumstances presented here cry out for a sentence reduction.

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A the Court has Jurisdiction to Grant Release For Extraordinary and Compelling Reason's.

the Compassionate Release Statute was First ENACTED as part of the Comprehensive CRIME Control Act OF (1984.) it provided that A district court could not modify a Final term OF Imprisonment Except in Four situations ONE OF which was the existence of Extraordinary and Compelling reasons" warranting the Reduction as Determined By the Sentencing Court. But Although the Courts had the Final decision making Authority over whether a Sentence would Be Reduced, the Statute Imposed A Sentence / GATE-keeper that Authority Could Be Invoked only upon a motion by the District Courts were powerless to reduce a prisoners Sentence Even if the Court Concluded that Extraordinary and Compelling reasons warranted the Reduction. 18 U.S.C § 3582 (c)(1)(A)(i).

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6 of 9 that changed when Congress ENACTED the First Step Act which Amended § 3582(c)(1)(A)(i) under the Amended statute, a Court can now Reduce A Sentence For Extraordinary and Compelling reasons in two Circumstances if the Director of the B.O.P files a motion Requesting Such Relief or upon motion of the Defendant "If the Defendant has Fully Exhausted All Administrative Remedies to Appeal the B.O.P's Failure to Bring a motion OR if 30 days Have lapsed From the Receipt OF Such Request By the warden Of the Defendants

Facility. which ever is earlier 18 USC § 3582 (c)(1)(A). Also see *United States v Cantu* NO. 1:05-CR-4581, 2019 WL 2498923 At *3 (S.D. Tex June 17, 2019) under the newly Amended § 3582 (c)(1)(A) the Defendant Has Standing to Bring this motion because more than 30 days elapsed between his Reduction-in Sentence Request to the warden's Response

United States v. Cantu-Rivera NO. CR-H-89-204, 2019 WL 2578272 At *1 (S.D. Tex. June 24, 2019) defendant's petition meets the Requirement of A LAPSE of 30 days from the Receipt by the warden of the defendant's facility. the Court therefore Has the Authority to Address the motion of the Defendant As Noted above. I

CRIBBS submitted A Request to the warden Sep. 21, 2020. AS OF the DATE of this filing more than 30 days after I MR. CRIBBS submitted A Request, the Bureau of Prisons Has neither Denied I MR. CRIBBS NOR filed a motion with this Court pursuant to 18 U.S.C § 3582(c)(1)(A) and this Court vested with the Jurisdiction to Rule on the Requested Relief.

CRIBBS is Deserving of mercy.

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with the passage of the First Step Act Congress Emphasized the Imperative of Reducing Unnecessary Incarcerations and Avoiding unduly Punitive Sentences that do not serve the End of Justice. ~~CRIBBS~~

US v SIMONS NO. 07-CR-00874. 2019 WL 1766840, At *8 (E.D. N.Y. Apr. 22, 2019) the Repercussions of CRIBBS

Excessively Harsh Sentence Cannot be overstated
At the time of his Arrest.

I MR. CRIBBS was 25 years old and grew up close to my mother without a father. I was close to my Siblings and extended family. through out my Incarceration I have maintained an optimistic and positive out look on Life and have Completed many hours of programming and engages in Active SELF study I Spend alot of time thinking about my self purpose and what life I want to leave behind in Regards of my 4 year old son. I Advise other PRISONERS to do the same and to live a clean life once Released. through my actions and words I exhibits deep Remorse For the CRIME I Committed I Reflect on the decisions that I previously made on a Daily basis and deeply Regret my Criminal Conduct my experience here in prison Has Shaped ME into the man I am today and the man I will be once I am Released I kept my faith in the Justice System and have a UNWAVERING Commitment to becoming a productive member of Society if giving a Second Chance I have family ready to help me and ReBuild A Life if Released my Conduct in prison has Been good and I am learning and Im proving my self to Deserve the Relief I SEEK. the DAY I was Sentenced I felt like giving up But I Didnt BECAUSE I knew the Injustice was going to overcome and now there is A WAY. the First Step Act Authorizes this Court to Reduce my Sentence to A more Just term of Imprisonment

thus, I ~~Respectfully~~ Ask this Court to Recognize that I Mr. ~~CRIBBS~~ Deserve mercy and Redemption.

Conclusion

Congress never Intended to permit let alone to mandate the excessive punishment. I Mr. ~~CRIBBS~~ Received in this case. it has now giving the court power to grant me Relief from the sentence. I Mr. Corey ~~CRIBBS~~ Request Respectfully the Court Find that there are extraordinary and Compelling Reasons warranting a Reduction in my Sentence and Reduce my Sentence Accordingly.

Dated

October 28th 2020

Respectfull

Submitted

By Corey ~~CRIBBS~~

— To honorable
Gordon quist.

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